



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17-03-2026

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THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 31247 of 2019

1. P.Selvam
2. G.Pushpa
3. S.Vivek

..Petitioner(s)

Vs

1. The District Collector,
Cheyyar- Kancheepuram Road Gar Thaiyar
Kullam, Kancheepuram,
Tamil Nadu 631501.
2. The Special Tahsildar (LA),
Oragadam Industrial Park Road
Infrastructure Development Plan
Sriperumpudur.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the Respondents to make reference to the ompetent court Under Section 20(1) of a Tamil Nadu Highways Act 2001 for the enhancement of compensation as against the original Award No.17/2012 dated 20.12.2012 in so far as Petitioner's land measuring 620 square metres comprising in S.No.64/1 part, 64/5 part, 64/6, part and 64/7 part of No.164, Varanavasi village, Kancheepuram District, Walajahbad Taluk.

For Petitioner(s): Mr.V.Srinivasa Babu

For Respondent(s): Mr.C.Gowthamaraj, GA

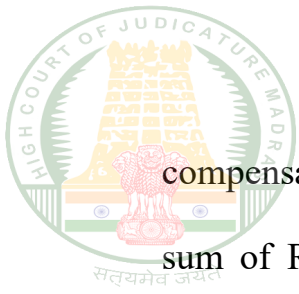


ORDER

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This writ petition is filed to direct the respondents to make reference to the competent Court under Section 20(1) of a Tamil Nadu Highways Act, 2001 for the enhancement of compensation as against the Original Award No.17/2012 dated 20.12.2012, in so far as petitioner's land measuring 620 sq.mtrs. comprising in S.No.s64/1 part, 64/5 part, 64/6 part and 64/7 part of No.164, Varanavasi Village, Kanchipuram District, Walajahbad Taluk.

2. Learned counsel for the petitioners would submit that the petitioners jointly purchased a vacant housing site in an approved layout measuring a total extent of 14.95 grounds (35,874 sq.ft.) comprising in Survey Nos.64/1, 64/5, 64/6, 64/7 and 65/1A of No.164, Varanavasi Village, Kanchipuram District from its then owner Mrs.R.Rajeswari by registered sale deed dated 20.05.2010 and rectification deed dated 04.06.2010. This being so, the respondents have acquired an extent of 620 sq.mfts., from the above mentioned petitioners' property for the purpose of formation of Four Lane Road. However, at the time of purchase, the vendor of the said property has not disclosed about the acquisition proceedings and sold the said plots to the petitioners. After coming to know about the said facts, the petitioners have approached the respondents for receiving the compensation and submitted an application dated 09.11.2017. Pursuant to which, the respondents have passed an order of payment of

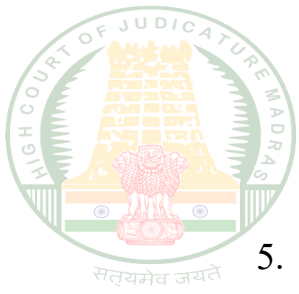


compensation of Rs.8,10,188/-, thus, each petitioner are entitled to receive a sum of Rs.2,41,976/- (after deducting income tax, surcharge and educational

cess). Since the compensation was received under protest, the petitioners made a representation dated 13.08.2019 before the respondents seeking to refer the matter to the competent Court under Section 20(1) for enhancement of compensation. However, the same was not referred, as on date. Hence, the petitioners have come forward with the present writ petition.

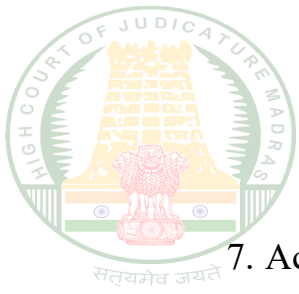
3. Learned Government Advocate appearing for the respondents would submit that the petitioners ought to have made a representation for a reference to the competent court for enhanced compensation, within a period of 60 days from the date of original award. However, in the case on hand, the original award was passed on 20.12.2012, whereas the petitioners have made their representation only on 13.08.2019, which is not sustainable. Accordingly, he prays for dismissal of this writ petition.

4. In response to the aforementioned submission, learned counsel for the petitioners would submit that the petitioners have received the original award only on 13.08.2019. He further contends that when the award was passed, it was served on the previous owner of the property and not the petitioners.



5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case are not in dispute. The second respondent took physical possession of a portion of the petitioners' property, measuring 620 sq. meters, for the construction of a four-lane road. Without disclosing this fact, the land was sold to the petitioners by their vendor, Mrs.R.Rajeswari. As Mrs.R.Rajeswari was the registered owner at the time, the notice under Section 15(2) was served on her rather than the petitioners; consequently, the petitioners had no knowledge of the acquisition proceedings. Upon becoming aware of the acquisition during the subsequent proceedings initiated by the respondents, the petitioners submitted a representation for compensation. Following this, the second respondent issued an order for payment. As the compensation was received under protest, the petitioners sought an enhancement and requested the original award copy (dated 20.12.2012) via a representation dated 30.07.2019. Subsequently, the second respondent, through proceedings Na.Ka.38/2010/A dated 08.08.2019, furnished the award copy, which the petitioners received on 13.08.2019. On that same day, the petitioners submitted a representation to the respondents requesting that the matter be referred to the competent court for enhancement of compensation under Section 20(1) of the Tamil Nadu Highways Act, 2001.



7. According to the respondents, the petitioners have made a representation after a lapse of prescribed time limit of 60 days. However, on perusal of the records reveals that the petitioners have made a representation, immediately on receipt of the original award copy on 13.08.2019, since the said award was sent to the original vendor and not the petitioners. Hence, the reason for delay in sending the representation on time appears to be genuine.

8. In view of the above, this Court directs the second respondent to refer the petitioners' case to the competent court for enhancement of compensation under Section 20(1) of the Tamil Nadu Highways Act, 2001, based on their representation dated 13.08.2019. Upon receipt of the reference, the concerned Court is directed to adjudicate the matter after affording a fair hearing to the petitioners and any other aggrieved parties, and pass appropriate orders on merits in accordance with the law, as expeditiously as possible.

With the aforesaid observation and directions, this writ petition stands disposed of. No costs.

17-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

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KRISHNAN RAMASAMY J.

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To:

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